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REMARKS

Applicant wishes to thank the Examiner for the detailed remarks and allowability of claim 19. Claims 13, 14, 18, and 19 have been amended, and claims 2, 8, and 12 have been cancelled. Accordingly, claims 1, 3-6, 9-11, and 13-20 are pending in the application.

Claim 19 was objected to as being dependent upon a rejected base claim, but is allowable if rewritten in independent form. Claim 19 has been amended to include all of the features of the base claim and is in condition for allowance. Claims 12, 14, and 18 have been amended to depend from claim 19.

The Examiner objects to the drawings under 37 CFR 1.83(a) and argues that the "interface for mounting a removable seat 38" must be shown in the drawings or cancelled from the claims. The interface for the removable seat 36 is shown in Figures 1, 5A, and 5B. Furthermore, as described in an example in Applicant's Written Description paragraph [22], the footrest 38 of the corner portion 28 is the interface for the removable seat 36. The footrest 38 is integrally molded into the corner portion 28, and the removable seat 36 is selectively attached to the footrest 38. Therefore, the drawings and the written description support the claim. Respectfully, the Applicant requests that the Examiner withdraw the objection.

The Examiner rejected claims 1, 3, and 9-11 under 35 U.S.C. 102(b) as being anticipated by *Cesana*. The Examiner argues that *Cesana* discloses all of the claimed features including a corner portion having an interface for mounting a removable component. Respectfully, the Examiner has no basis for concluding that the component 31 is removable. See col. 4, lines 16-19. *Cesana* does not disclose that the component 31 is removable, as recited in applicant's claims. Accordingly, claim 1 and its dependents are properly allowable.

Additionally, claim 3 recites that the removable component includes a shelf. *Cesana* does not disclose this feature. *Cesana* discloses non-removable receptacle cavities (27, 33) for soap or other items and a non removable component 31, which are not removable shelves as recited in claim 3. For this additional reason, claim 3 is properly allowable.

The Examiner rejected claim 20 under 35 U.S.C. §102(b) as being anticipated by *Jacuzzi*. Claim 20 recites first, second, and third wall portions that are *modular* wall portions.

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each of the wall portions is modular. The wall portions of the *Jacuzzi* reference are not modular. Accordingly, claim 20 is properly allowable.


The Examiner rejected claims 4-6 and 12-15 under 35 U.S.C. 103(a) as being unpatentable over *Cesana* in view of *Britt*. The Examiner contends that it would have been obvious to modify *Cesana* to provide the removable shelves of *Britt* via slots between projections 18a and 18b and locking members 24a and 24b. There is no motivation for making the proposed modification. The central column 20 of *Cesana* already includes receptacle cavities (27, 33) for soap or other items. Thus, providing the removable shelves of *Britt* would be redundant. Therefore, one would not be motivated to make the proposed modification. Accordingly, claims 4-6 and 12-15 are properly allowable.

The Examiner rejected claims 1, 3-6, 9 and 16-18 under 35 U.S.C. 103(a) as being unpatentable over *Jacuzzi* in view of *Haghayegh*. The Examiner argues that *Jacuzzi* discloses all of the claimed features except removable shelves mounted to the corner shelf structure via horizontal slots. The Examiner argues that it would have been obvious to provide *Jacuzzi* with the removable shelf of *Haghayegh* so that the shelves could be removably mounted to the corner structure for easy adjustment as needed. *Jacuzzi* is a design patent covering the appearance of a combination whirlpool bathtub and shower stall. The shower stall (Figures 1 and 7) has a generally cylindrical shape. Furthermore, the portion that includes the shelves (Figure 12) has a rounded or a semi-circular shape. The corner shelf of *Haghayegh* has two perpendicularly disposed edges that mount against, respectively, perpendicularly oriented walls. The claims of *Haghayegh* even recite the feature that the edges of the shelf extend substantially perpendicularly with respect to each other. One would not be motivated to modify the rounded-circular shower stall of *Jacuzzi* to include perpendicular walls, casings (40), and openings (90) to accommodate the angular, perpendicularly disposed edges of the corner shelf of *Haghayegh* since this would destroy the intended appearance of the shower stall of *Jacuzzi*. Accordingly, claims 1, 3-6, 9, and 16-18 are properly allowable.

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Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.


Respectfully submitted,

  
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on May 8, 2006.

  
Laura Combs